



General Assembly

February Session, 2008

**Substitute Bill No. 5545**

\* \_\_\_\_\_ HB05545VA\_HED030408 \_\_\_\_\_ \*

**AN ACT CONCERNING FEES PAID BY MEMBERS OF THE NATIONAL GUARD AND WAIVER OF STUDENT ACTIVITY FEES FOR VETERANS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2008*) The student activity fees  
2       shall be waived for any veteran who served in time of war, as defined  
3       in subsection (a) of section 27-103 of the general statutes, at regional  
4       community-technical colleges, the Connecticut State University system  
5       and The University of Connecticut.

6       Sec. 2. Section 10a-77 of the general statutes is repealed and the  
7       following is substituted in lieu thereof (*Effective July 1, 2008*):

8       (a) Subject to the provisions of section 10a-26, the Board of Trustees  
9       of the Community-Technical Colleges shall fix fees for tuition at the  
10      regional community-technical colleges and shall fix fees for such other  
11      purposes as the board deems necessary at the regional community-  
12      technical colleges, and may make refunds to the same. The student  
13      activity fee shall be waived pursuant to section 1 of this act.

14      (b) The Board of Trustees of the Community-Technical Colleges  
15      shall establish and administer a fund to be known as the Regional  
16      Community-Technical Colleges Operating Fund. Appropriations from  
17      general revenues of the state and, upon request by the board and with

18 an annual review and approval by the Secretary of the Office of Policy  
19 and Management, the amount of the appropriations for fringe benefits  
20 and workers' compensation applicable to the community-technical  
21 colleges pursuant to subsection (a) of section 4-73, shall be transferred  
22 from the Comptroller, and all tuition revenue received by the regional  
23 community-technical colleges in accordance with the provisions of  
24 subsection (a) of this section shall be deposited in said fund. Income  
25 from student fees or related charges; the proceeds of auxiliary activities  
26 and business enterprises, gifts and donations; federal funds and grants  
27 for purposes other than research, and all receipts derived from the  
28 conduct by the colleges of their education extension programs and  
29 summer school sessions shall be credited to said fund but shall be  
30 allocated to the central office and institutional operating accounts  
31 which shall be established and maintained for the central office and  
32 each community-technical college. If the Secretary of the Office of  
33 Policy and Management disapproves such transfer, the secretary may  
34 require the amount of the appropriation for operating expenses to be  
35 used for personal services and fringe benefits to be excluded from said  
36 fund. The State Treasurer shall review and approve the transfer prior  
37 to such request by the board of trustees. The board shall establish an  
38 equitable policy for allocation of appropriations from general revenues  
39 of the state, fringe benefits transferred from the Comptroller and  
40 tuition revenue deposited in the Regional Community-Technical  
41 Colleges Operating Fund. At the beginning of each quarter of the fiscal  
42 year, the board shall allocate and transfer, in accordance with said  
43 policy, moneys for expenditure in such institutional operating  
44 accounts, exclusive of amounts retained for central office operations  
45 and reasonable reserves for future distribution. All costs of waiving or  
46 remitting tuition pursuant to subsection [(e)] (g) of this section shall be  
47 charged to the Regional Community-Technical Colleges Operating  
48 Fund. Repairs, alterations or additions to facilities supported by  
49 operating funds and costing one million dollars or more shall require  
50 the approval of the General Assembly, or when the General Assembly  
51 is not in session, of the Finance Advisory Committee. Any balance of  
52 receipts above expenditures shall remain in said fund, except such

53 sums as may be required for deposit into a debt service fund or the  
54 General Fund for further payment by the Treasurer of debt service on  
55 general obligation bonds of the state issued for purposes of  
56 community-technical colleges.

57 (c) Commencing December 1, 1984, and thereafter within sixty days  
58 of the close of each quarter, the board of trustees shall submit to the  
59 joint standing committee of the General Assembly having cognizance  
60 of matters relating to appropriations and the budgets of state agencies  
61 and the Office of Policy and Management, through the Board of  
62 Governors of Higher Education, a report on the actual expenditures of  
63 the Regional Community-Technical Colleges Operating Fund  
64 containing such relevant information as the Board of Governors of  
65 Higher Education may require.

66 (d) Said board of trustees shall waive the payment of tuition at any  
67 of the regional community-technical colleges (1) for any dependent  
68 child of a person whom the armed forces of the United States has  
69 declared to be missing in action or to have been a prisoner of war  
70 while serving in such armed forces after January 1, 1960, which child  
71 has been accepted for admission to such institution and is a resident of  
72 Connecticut at the time such child is accepted for admission to such  
73 institution, (2) for any veteran having served in time of war, as defined  
74 in subsection (a) of section 27-103, [or who served in either a combat or  
75 combat support role in the invasion of Grenada, October 25, 1983, to  
76 December 15, 1983, the invasion of Panama, December 20, 1989, to  
77 January 31, 1990, or the peace-keeping mission in Lebanon, September  
78 29, 1982, to March 30, 1984,] who has been accepted for admission to  
79 such institution and is domiciled in this state at the time such veteran  
80 is accepted for admission to such institution, (3) for any resident of  
81 Connecticut sixty-two years of age or older, provided, at the end of the  
82 regular registration period, there are enrolled in the course a sufficient  
83 number of students other than those persons eligible for waivers  
84 pursuant to this subdivision to offer the course in which such person  
85 intends to enroll and there is space available in such course after

86 accommodating all such students, (4) for any student attending the  
87 Connecticut State Police Academy who is enrolled in a law  
88 enforcement program at said academy offered in coordination with a  
89 regional community-technical college which accredits courses taken in  
90 such program, (5) for any active member of the Connecticut Army or  
91 Air National Guard who (A) has been certified by the Adjutant  
92 General or such Adjutant General's designee as a member in good  
93 standing of the guard, and (B) is enrolled or accepted for admission to  
94 such institution on a full-time or part-time basis in an undergraduate  
95 degree-granting program, (6) for any dependent child of a (A) police  
96 officer, as defined in section 7-294a, or supernumerary or auxiliary  
97 police officer, (B) firefighter, as defined in section 7-323j, or member of  
98 a volunteer fire company, (C) municipal employee, or (D) state  
99 employee, as defined in section 5-154, killed in the line of duty, (7) for  
100 any resident of the state who is a dependent child or surviving spouse  
101 of a specified terrorist victim who was a resident of this state, and (8)  
102 for any dependent child of a resident of the state who was killed in a  
103 multivehicle crash at or near the intersection of Routes 44 and 10 and  
104 Nod Road in Avon on July 29, 2005. If any person who receives a  
105 tuition waiver in accordance with the provisions of this subsection or  
106 subsection (e) of this section also receives educational reimbursement  
107 from an employer, such waiver shall be reduced by the amount of such  
108 educational reimbursement. Veterans described in subdivision (2) of  
109 this subsection [and members of the National Guard described in  
110 subdivision (5) of this subsection] shall be given the same status as  
111 students not receiving tuition waivers in registering for courses at  
112 regional community-technical colleges. Notwithstanding the  
113 provisions of section 10a-30, as used in this subsection, "domiciled in  
114 this state" includes domicile for less than one year.

115 (e) Said board of trustees shall waive the payment of tuition and any  
116 other fees fixed pursuant to subsection (a) of this section for any  
117 member of the Connecticut National Guard described in subdivision  
118 (5) of subsection (d) of this section, who has been accepted for  
119 admission to such institution.

120     ~~(f)~~ Members of the National Guard described in subdivision (5) of  
121     ~~subsection (d) of this section shall be given the same status as students~~  
122     ~~not receiving tuition waivers in registering for courses at regional~~  
123     ~~community-technical colleges.~~

124     ~~[(e)]~~ ~~(g)~~ Said board shall set aside from its anticipated regional  
125     community-technical college tuition revenue, an amount not less than  
126     that required by the board of governors' tuition policy established  
127     under subdivision (3) of subsection (a) of section 10a-6. Such funds  
128     shall be used to provide tuition waivers, tuition remissions, grants for  
129     educational expenses and student employment for residents enrolled  
130     in regional community-technical colleges as full or part-time  
131     matriculated students in a degree-granting program, or enrolled in a  
132     precollege remedial program, who demonstrate substantial financial  
133     need. Said board may also set aside from its anticipated tuition  
134     revenue an additional amount equal to one per cent of said tuition  
135     revenue for financial assistance for students who would not otherwise  
136     be eligible for financial assistance but who do have a financial need as  
137     determined by the college in accordance with this subsection. In  
138     determining such financial need, the college shall exclude the value of  
139     equity in the principal residence of the student's parents or legal  
140     guardians, or in the student's principal residence if the student is not  
141     considered to be a dependent of his parents or legal guardians and  
142     shall assess the earnings of a dependent student at the rate of thirty per  
143     cent.

144     ~~[(f)]~~ ~~(h)~~ The Regional Community-Technical Colleges Operating  
145     Fund shall be reimbursed for the amount by which the tuition waivers  
146     granted under ~~[subsection]~~ subsections (d) and (e) of this section  
147     exceed five per cent of tuition revenue through an annual state  
148     appropriation. The board of trustees shall request such an  
149     appropriation and said appropriation shall be based upon an estimate  
150     of tuition revenue loss using tuition rates in effect for the fiscal year in  
151     which such appropriation will apply.

152     ~~[(g)]~~ ~~(i)~~ Said board of trustees shall allow any student who is a

153 member of the armed forces called to active duty during any semester  
154 to enroll in any course for which such student had remitted tuition but  
155 which was not completed due to active duty status. Such course  
156 reenrollment shall be offered to any qualifying student for a period not  
157 exceeding four years after the date of release from active duty without  
158 additional tuition, student fee or related charge, except if such student  
159 has been fully reimbursed for the tuition, fees and charges for the  
160 course that was not completed.

161 Sec. 3. Section 10a-99 of the general statutes is repealed and the  
162 following is substituted in lieu thereof (*Effective July 1, 2008*):

163 (a) Subject to the provisions of section 10a-26, the Board of Trustees  
164 of the Connecticut State University System shall fix fees for tuition and  
165 shall fix fees for such other purposes as the board deems necessary at  
166 the university, and may make refunds of the same. The student  
167 activity fee shall be waived pursuant to section 1 of this act.

168 (b) The Board of Trustees of the Connecticut State University  
169 System shall establish and administer a fund to be known as the  
170 Connecticut State University System Operating Fund. Appropriations  
171 from general revenues of the state and upon request by the  
172 Connecticut State University system and with the annual review and  
173 approval by the Secretary of the Office of Policy and Management, the  
174 amount of the appropriations for fringe benefits pursuant to  
175 subsection (a) of section 4-73, shall be transferred from the State  
176 Comptroller and all tuition revenue received by the Connecticut State  
177 University system in accordance with the provisions of subsection (a)  
178 of this section shall be deposited in said fund. Income from student  
179 fees or related charges, the proceeds of auxiliary activities and business  
180 enterprises, gifts and donations, federal funds and grants, subject to  
181 the provisions of sections 10a-98 to 10a-98g, inclusive, and all receipts  
182 derived from the conduct by a state university of its education  
183 extension program and its summer school session shall be credited to  
184 said fund but shall be allocated to the central office and institutional  
185 operating accounts which shall be established and maintained for the

186 central office and each state university. Any such gifts and donations,  
187 federal funds and grants for purposes of research shall be allocated to  
188 separate accounts within such central office and institutional operating  
189 accounts. If the Secretary of the Office of Policy and Management  
190 disapproves such transfer, he may require the amount of the  
191 appropriation for operating expenses to be used for personal services  
192 and fringe benefits to be excluded from said fund. The State Treasurer  
193 shall review and approve the transfer prior to such request by the  
194 university. The board of trustees shall establish an equitable policy for  
195 allocation of appropriations from general revenues of the state, fringe  
196 benefits transferred from the State Comptroller and tuition revenue  
197 deposited in the Connecticut State University System Operating Fund.  
198 At the beginning of each quarter of the fiscal year, the board shall  
199 allocate and transfer, in accordance with said policy, moneys for  
200 expenditure in such institutional operating accounts, exclusive of  
201 amounts retained for central office operations and reasonable reserves  
202 for future distribution. All costs of waiving or remitting tuition  
203 pursuant to subsection [(e)] (g) of this section shall be charged to the  
204 Connecticut State University System Operating Fund. Repairs,  
205 alterations or additions to facilities supported by the Connecticut State  
206 University System Operating Fund and costing one million dollars or  
207 more shall require the approval of the General Assembly, or when the  
208 General Assembly is not in session, of the Finance Advisory  
209 Committee. Any balance of receipts above expenditures shall remain  
210 in said fund, except such sums as may be required for deposit into a  
211 debt service fund or the General Fund for further payment by the  
212 Treasurer of debt service on general obligation bonds of the state  
213 issued for purposes of the Connecticut State University system.

214 (c) Commencing December 1, 1984, and thereafter within sixty days  
215 of the close of each quarter, the board of trustees shall submit to the  
216 joint standing committee of the General Assembly having cognizance  
217 of matters relating to appropriations and the budgets of state agencies  
218 and the Office of Policy and Management, through the Board of  
219 Governors of Higher Education, a report on the actual expenditures of

220 the Connecticut State University System Operating Fund containing  
221 such relevant information as the Board of Governors of Higher  
222 Education may require.

223 (d) Said board shall waive the payment of tuition fees at the  
224 Connecticut State University system (1) for any dependent child of a  
225 person whom the armed forces of the United States has declared to be  
226 missing in action or to have been a prisoner of war while serving in  
227 such armed forces after January 1, 1960, which child has been accepted  
228 for admission to such institution and is a resident of Connecticut at the  
229 time such child is accepted for admission to such institution, (2) for  
230 any veteran having served in time of war, as defined in subsection (a)  
231 of section 27-103, [or who served in either a combat or combat support  
232 role in the invasion of Grenada, October 25, 1983, to December 15,  
233 1983, the invasion of Panama, December 20, 1989, to January 31, 1990,  
234 or the peace-keeping mission in Lebanon, September 29, 1982, to  
235 March 30, 1984,] who has been accepted for admission to such  
236 institution and is domiciled in this state at the time such veteran is  
237 accepted for admission to such institution, (3) for any resident of  
238 Connecticut sixty-two years of age or older who has been accepted for  
239 admission to such institution, provided (A) such person is enrolled in a  
240 degree-granting program, or (B) at the end of the regular registration  
241 period, there are enrolled in the course a sufficient number of students  
242 other than those persons eligible for waivers pursuant to this  
243 subdivision to offer the course in which such person intends to enroll  
244 and there is space available in such course after accommodating all  
245 such students, (4) for any student attending the Connecticut Police  
246 Academy who is enrolled in a law enforcement program at said  
247 academy offered in coordination with the university which accredits  
248 courses taken in such program, (5) for any active member of the  
249 Connecticut Army or Air National Guard who (A) has been certified  
250 by the Adjutant General or such Adjutant General's designee as a  
251 member in good standing of the guard, and (B) is enrolled or accepted  
252 for admission to such institution on a full-time or part-time basis in an  
253 undergraduate degree-granting program, (6) for any dependent child



254 of a (A) police officer, as defined in section 7-294a, or supernumerary  
255 or auxiliary police officer, (B) firefighter, as defined in section 7-323j, or  
256 member of a volunteer fire company, (C) municipal employee, or (D)  
257 state employee, as defined in section 5-154, killed in the line of duty,  
258 (7) for any resident of this state who is a dependent child or surviving  
259 spouse of a specified terrorist victim who was a resident of the state,  
260 and (8) for any dependent child of a resident of the state who was  
261 killed in a multivehicle crash at or near the intersection of Routes 44  
262 and 10 and Nod Road in Avon on July 29, 2005. If any person who  
263 receives a tuition waiver in accordance with the provisions of this  
264 subsection or subsection (e) of this section also receives educational  
265 reimbursement from an employer, such waiver shall be reduced by the  
266 amount of such educational reimbursement. Veterans described in  
267 subdivision (2) of this subsection [and members of the National Guard  
268 described in subdivision (5) of this subsection] shall be given the same  
269 status as students not receiving tuition waivers in registering for  
270 courses at Connecticut state universities. Notwithstanding the  
271 provisions of section 10a-30, as used in this subsection, "domiciled in  
272 this state" includes domicile for less than one year.

273 (e) Said board shall waive the payment of tuition and any other fees  
274 fixed pursuant to subsection (a) of this section at the Connecticut State  
275 University system for any member of the Connecticut National Guard  
276 described in subdivision (5) of subsection (d) of this section, who has  
277 been accepted for admission to such institution.

278 (f) Members of the National Guard described in subdivision (5) of  
279 subsection (d) of this section shall be given the same status as students  
280 not receiving tuition waivers in registering for courses at Connecticut  
281 state universities.

282 ~~[(e)]~~ (g) Said board shall set aside from its anticipated tuition  
283 revenue, an amount not less than that required by the board of  
284 governors' tuition policy established under subdivision (3) of  
285 subsection (a) of section 10a-6. Such funds shall be used to provide  
286 tuition waivers, tuition remissions, grants for educational expenses

287 and student employment for any undergraduate or graduate student  
288 who is enrolled as a full or part-time matriculated student in a degree-  
289 granting program, or enrolled in a precollege remedial program, and  
290 who demonstrates substantial financial need. Said board may also set  
291 aside from its anticipated tuition revenue an additional amount equal  
292 to one per cent of said tuition revenue for financial assistance for  
293 students who would not otherwise be eligible for financial assistance  
294 but who do have a financial need as determined by the university in  
295 accordance with this subsection. In determining such financial need,  
296 the university shall exclude the value of equity in the principal  
297 residence of the student's parents or legal guardians, or in the student's  
298 principal residence if the student is not considered to be a dependent  
299 of his parents or legal guardians and shall assess the earnings of a  
300 dependent student at the rate of thirty per cent.

301 [(f)] (h) The Connecticut State University System Operating Fund  
302 shall be reimbursed for the amount by which the tuition waivers  
303 granted under [subsection] subsections (d) and (e) of this section  
304 exceed two and one-half per cent of tuition revenue through an annual  
305 state appropriation. The board of trustees shall request such an  
306 appropriation and said appropriation shall be based upon an estimate  
307 of tuition revenue loss using tuition rates in effect for the fiscal year in  
308 which such appropriation will apply.

309 [(g)] (i) Said board of trustees shall allow any student who is a  
310 member of the armed forces called to active duty during any semester  
311 to enroll in any course for which such student had remitted tuition but  
312 which was not completed due to active duty status. Such course  
313 reenrollment shall be offered to any qualifying student for a period not  
314 exceeding four years after the date of release from active duty without  
315 additional tuition, student fee or related charge, except if such student  
316 has been fully reimbursed for the tuition, fees and charges for the  
317 course that was not completed.

318 Sec. 4. Section 10a-105 of the general statutes is repealed and the  
319 following is substituted in lieu thereof (*Effective July 1, 2008*):

320 (a) Subject to the provisions of sections 10a-8 and 10a-26, the Board  
321 of Trustees of The University of Connecticut shall fix fees for tuition  
322 and shall fix fees for such other purposes as the board deems necessary  
323 at The University of Connecticut, and may make refunds of the same.  
324 The student activity fee shall be waived pursuant to section 1 of this  
325 act.

326 (b) The Board of Trustees of The University of Connecticut shall  
327 establish and administer a fund to be known as The University of  
328 Connecticut Operating Fund, and in addition, may establish a Special  
329 External Gift Fund, and an endowment fund, as defined in section 10a-  
330 109c of the 2008 supplement to the general statutes, and such other  
331 funds as may be established pursuant to subdivision (13) of subsection  
332 (a) of section 10a-109d of the 2008 supplement to the general statutes.  
333 Appropriations from general revenues of the state and, upon request  
334 by the university and with an annual review and approval by the  
335 Secretary of the Office of Policy and Management, the amount of the  
336 appropriations for fringe benefits and workers' compensation  
337 applicable to the university pursuant to subsection (a) of section 4-73,  
338 shall be transferred from the Comptroller, and all tuition revenue  
339 received by the university in accordance with the provisions of  
340 subsection (a) of this section, income from student fees or related  
341 charges, the proceeds of auxiliary activities and business enterprises,  
342 gifts and donations, federal funds and grants for purposes other than  
343 research and all receipts derived from the conduct by The University  
344 of Connecticut of its education extension program and its summer  
345 school session, except funds received by The University of Connecticut  
346 Health Center, shall be deposited in said operating fund. If the  
347 Secretary of the Office of Policy and Management disapproves such  
348 transfer, he may require the amount of the appropriation for operating  
349 expenses to be used for personal services and fringe benefits to be  
350 excluded from said fund. The State Treasurer shall review and  
351 approve the transfer prior to such request by the university. All costs  
352 of waiving or remitting tuition pursuant to [subsection] subsections (e)  
353 and (f) of this section, except the cost of waiving or remitting tuition

354 for students enrolled in the schools of medicine or dental medicine,  
355 shall be charged to said fund. Repairs, alterations or additions to  
356 facilities supported by said fund costing one million dollars or more  
357 shall require the approval of the General Assembly, or when the  
358 General Assembly is not in session, of the Finance Advisory  
359 Committee. Any balance of receipts above expenditures shall remain  
360 in said fund, except such sums as may be required for deposit into a  
361 debt service fund or the General Fund for further payment by the  
362 Treasurer of debt service on general obligation bonds of the state  
363 issued for purposes of The University of Connecticut.

364 (c) The Board of Trustees of The University of Connecticut shall  
365 establish and administer a fund to be known as The University of  
366 Connecticut Health Center Operating Fund. Appropriations from  
367 general revenues of the state except the amount of the appropriation  
368 for operating expenses to be used for personal services and the  
369 appropriations for fringe benefits pursuant to subsection (a) of section  
370 4-73, all tuition revenue received by the health center in accordance  
371 with the provisions of subsection (a) of this section, income from  
372 student fees or related charges, proceeds from auxiliary and business  
373 enterprises, gifts and donations, federal funds and grants for purposes  
374 other than research and other income relative to these activities shall  
375 be deposited in said fund. All costs of waiving or remitting tuition  
376 pursuant to subsection [(f)] (h) of this section for students enrolled in  
377 the schools of medicine or dental medicine shall be charged to said  
378 fund. Repairs, alterations or additions to facilities supported by said  
379 fund costing one million dollars or more shall require the approval of  
380 the General Assembly, or when the General Assembly is not in session,  
381 of the Finance Advisory Committee. Any balance of receipts above  
382 expenditures shall remain in said fund, except such sums as may be  
383 required for deposit into a debt service fund or the General Fund for  
384 further payment by the Treasurer of debt service on general obligation  
385 bonds of the state issued for purposes of The University of Connecticut  
386 Health Center.

387 (d) Commencing December 1, 1981, and thereafter within sixty days  
388 of the close of each quarter, the board of trustees shall submit to the  
389 joint standing committee of the General Assembly having cognizance  
390 of matters relating to appropriations and the budgets of state agencies  
391 and the Office of Policy and Management, through the Board of  
392 Governors of Higher Education, a report on the actual expenditures of  
393 The University of Connecticut Operating Fund and The University of  
394 Connecticut Health Center Operating Fund containing such relevant  
395 information as the Board of Governors of Higher Education may  
396 require.

397 (e) Said board of trustees shall waive the payment of tuition fees at  
398 The University of Connecticut (1) for any dependent child of a person  
399 whom the armed forces of the United States has declared to be missing  
400 in action or to have been a prisoner of war while serving in such armed  
401 forces after January 1, 1960, which child has been accepted for  
402 admission to The University of Connecticut and is a resident of  
403 Connecticut at the time such child is accepted for admission to said  
404 institution, (2) for any veteran having served in time of war, as defined  
405 in subsection (a) of section 27-103, [or who served in either a combat or  
406 combat support role in the invasion of Grenada, October 25, 1983, to  
407 December 15, 1983, the invasion of Panama, December 20, 1989, to  
408 January 31, 1990, or the peace-keeping mission in Lebanon, September  
409 29, 1982, to March 30, 1984,] who has been accepted for admission to  
410 said institution and is domiciled in this state at the time such veteran is  
411 accepted for admission to said institution, (3) for any resident of  
412 Connecticut sixty-two years of age or older who has been accepted for  
413 admission to said institution, provided (A) such person is enrolled in a  
414 degree-granting program, or (B) at the end of the regular registration  
415 period, there are enrolled in the course a sufficient number of students  
416 other than those persons eligible for waivers pursuant to this  
417 subdivision to offer the course in which such person intends to enroll  
418 and there is space available in such course after accommodating all  
419 such students, (4) for any active member of the Connecticut Army or  
420 Air National Guard who (A) has been certified by the Adjutant

421 General or such Adjutant General's designee as a member in good  
422 standing of the guard, and (B) is enrolled or accepted for admission to  
423 said institution on a full-time or part-time basis in an undergraduate  
424 degree-granting program, (5) for any dependent child of a (A) police  
425 officer, as defined in section 7-294a, or supernumerary or auxiliary  
426 police officer, (B) firefighter, as defined in section 7-323j, or member of  
427 a volunteer fire company, (C) municipal employee, or (D) state  
428 employee, as defined in section 5-154, killed in the line of duty, (6) for  
429 any resident of the state who is the dependent child or surviving  
430 spouse of a specified terrorist victim who was a resident of the state,  
431 and (7) for any dependent child of a resident of the state who was  
432 killed in a multivehicle crash at or near the intersection of Routes 44  
433 and 10 and Nod Road in Avon on July 29, 2005. If any person who  
434 receives a tuition waiver in accordance with the provisions of this  
435 subsection also receives educational reimbursement from an employer,  
436 such waiver shall be reduced by the amount of such educational  
437 reimbursement. Veterans described in subdivision (2) of this  
438 subsection [and members of the National Guard described in  
439 subdivision (4) of this subsection] shall be given the same status as  
440 students not receiving tuition waivers in registering for courses at The  
441 University of Connecticut. Notwithstanding the provisions of section  
442 10a-30, as used in this subsection, "domiciled in this state" includes  
443 domicile for less than one year.

444 (f) Said board of trustees shall waive the payment of tuition and any  
445 other fees fixed pursuant to subsection (a) of this section for any  
446 member of the Connecticut National Guard described in subdivision  
447 (4) of subsection (e) of this section, who has been accepted for  
448 admission to such institution.

449 (g) Members of the National Guard described in subdivision (4) of  
450 subsection (e) of this section shall be given the same status as students  
451 not receiving tuition waivers in registering for courses at The  
452 University of Connecticut.

453 [(f)] (h) Said board shall set aside from its anticipated tuition

454 revenue, an amount not less than that required by the board of  
455 governors' tuition policy established under subdivision (3) of  
456 subsection (a) of section 10a-6. Such funds shall be used to provide  
457 tuition waivers, tuition remissions, grants for educational expenses  
458 and student employment for any undergraduate, graduate or  
459 professional student who is enrolled as a full or part-time matriculated  
460 student in a degree-granting program, or enrolled in a precollege  
461 remedial program, and who demonstrates substantial financial need.  
462 Said board may also set aside from its anticipated tuition revenue an  
463 additional amount equal to one per cent of said tuition revenue for  
464 financial assistance for students who would not otherwise be eligible  
465 for financial assistance but who do have a financial need as determined  
466 by the university in accordance with this subsection. In determining  
467 such financial need, the university shall exclude the value of equity in  
468 the principal residence of the student's parents or legal guardians, or in  
469 the student's principal residence if the student is not considered to be a  
470 dependent of his parents or legal guardians and shall assess the  
471 earnings of a dependent student at the rate of thirty per cent.

472 [(g)] (i) The University of Connecticut Operating Fund shall be  
473 reimbursed for the amount by which tuition waivers granted under  
474 subsection (e) of this section exceed two and one-half per cent of  
475 tuition revenue through an annual state appropriation. The board of  
476 trustees shall request such an appropriation and said appropriation  
477 shall be based upon an estimate of tuition revenue loss using tuition  
478 rates in effect for the fiscal year in which such appropriation will  
479 apply.

480 [(h)] (j) Said board shall grant remission or waiver of tuition for  
481 graduate assistants at the university. Assistantship payments to  
482 graduate assistants shall not be considered salaries and wages under  
483 the provisions of section 3-119, and shall be paid according to a  
484 schedule prescribed by the university and approved by the State  
485 Comptroller.

486 [(i)] (k) Said board of trustees shall allow any student who is a

487 member of the armed forces called to active duty during any semester  
488 to enroll in any course for which such student had remitted tuition but  
489 which was not completed due to active duty status. Such course  
490 reenrollment shall be offered to any qualifying student for a period not  
491 exceeding four years after the date of release from active duty without  
492 additional tuition, student fee or related charge, except if such student  
493 has been fully reimbursed for the tuition, fees and charges for the  
494 course that was not completed.

495 Sec. 5. (NEW) (*Effective from passage*) Interstate Compact on  
496 Educational Opportunity for Military Children.

497 ARTICLE I

498 PURPOSE

499 It is the purpose of this compact to remove barriers to educational  
500 success imposed on children of military families because of frequent  
501 moves and deployment of their parents by:

502 A. Facilitating the timely enrollment of children of military families  
503 and ensuring that they are not placed at a disadvantage due to  
504 difficulty in the transfer of education records from the previous school  
505 districts or variations in entrance or age requirements.

506 B. Facilitating the student placement process through which  
507 children of military families are not disadvantaged by variations in  
508 attendance requirements, scheduling, sequencing, grading, course  
509 content or assessment.

510 C. Facilitating the qualification and eligibility for enrollment,  
511 educational programs, and participation in extracurricular academic,  
512 athletic, and social activities.

513 D. Facilitating the on-time graduation of children of military  
514 families.



515 E. Providing for the promulgation and enforcement of  
516 administrative rules implementing the provisions of this compact.

517 F. Providing for the uniform collection and sharing of information  
518 between and among member states, schools and military families  
519 under this compact.

520 G. Promoting coordination between this compact and other  
521 compacts affecting military children.

522 H. Promoting flexibility and cooperation between the educational  
523 system, parents and the student in order to achieve educational  
524 success for the student.

## 525 ARTICLE II

### 526 DEFINITIONS

527 As used in this compact, unless the context clearly requires a  
528 different construction:

529 A. "Active duty" means full-time duty status in the active uniformed  
530 service of the United States, including members of the National Guard  
531 and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209  
532 and 1211.

533 B. "Children of military families" means school-aged children,  
534 enrolled in kindergarten through twelfth grade, in the household of an  
535 active duty member.

536 C. "Compact commissioner" means the voting representative of each  
537 compacting state appointed pursuant to Article VIII of this compact.

538 D. "Deployment" means the period one month prior to the service  
539 members' departure from their home station on military orders to six  
540 months after return to their home station.

541 E. "Educational records" means the official records, files, and data

542 directly related to a student and maintained by the school or local  
543 education agency, including, but not limited, to records encompassing  
544 all the material kept in the student's cumulative folder such as general  
545 identifying data, records of attendance and of academic work  
546 completed, records of achievement and results of evaluative tests,  
547 health data, disciplinary status, test protocols and individualized  
548 education programs.

549 F. "Extracurricular activities" means a voluntary activity sponsored  
550 by the school or local education agency or an organization sanctioned  
551 by the local education agency. Extracurricular activities include, but  
552 are not limited to, preparation for and involvement in public  
553 performances, contests, athletic competitions, demonstrations, displays  
554 and club activities.

555 G. "Interstate Commission on Educational Opportunity for Military  
556 Children" means the commission that is created under Article IX of this  
557 compact, which is generally referred to as the Interstate Commission.

558 H. "Local education agency" means a public authority legally  
559 constituted by the state as an administrative agency to provide control  
560 of and direction for kindergarten through twelfth grade public  
561 educational institutions.

562 I. "Member state" means a state that has enacted this compact.

563 J. "Military installation" means a base, camp, post, station, yard,  
564 center, homeport facility for any ship, or other activity under the  
565 jurisdiction of the Department of Defense, including any leased  
566 facility, which is located within any of the several states, the District of  
567 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,  
568 Guam, American Samoa, the Northern Marianas Islands and any other  
569 U.S. Territory. Such term does not include any facility used primarily  
570 for civil works, rivers and harbors projects, or flood control projects.

571 K. "Nonmember state" means a state that has not enacted this  
572 compact.

573 L. "Receiving state" means the state to which a child of a military  
574 family is sent, brought or caused to be sent or brought.

575 M. "Rule" means a written statement by the Interstate Commission  
576 promulgated pursuant to Article XII of this compact that is of general  
577 applicability, implements, interprets or prescribes a policy or provision  
578 of the Compact, or an organizational, procedural or practice  
579 requirement of the Interstate Commission, and has the force and effect  
580 of statutory law in a member state, and includes the amendment,  
581 repeal or suspension of an existing rule.

582 N. "Sending state" means the state from which a child of a military  
583 family is sent, brought or caused to be sent or brought.

584 O. "State" means a state of the United States, the District of  
585 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,  
586 Guam, American Samoa, the Northern Marianas Islands and any other  
587 U.S. territory.

588 P. "Student" means the child of a military family for whom the local  
589 education agency receives public funding and who is formally enrolled  
590 in kindergarten through twelfth grade.

591 Q. "Transition" means (1) the formal and physical process of  
592 transferring from school to school, or (2) the period of time in which a  
593 student moves from one school in the sending state to another school  
594 in the receiving state.

595 R. "Uniformed services" means the Army, Navy, Air Force, Marine  
596 Corps, Coast Guard as well as the Commissioned Corps of the  
597 National Oceanic and Atmospheric Administration, and Public Health  
598 Services.

599 S. "Veteran" means a person who served in the uniformed services  
600 and who was discharged or released therefrom under conditions other  
601 than dishonorable.

602       ARTICLE III

603       APPLICABILITY

604       A. Except as otherwise provided in Section B, this compact shall  
605       apply to the children of:

606           1. Active duty members of the uniformed services as defined in this  
607       compact, including members of the National Guard and Reserve on  
608       active duty orders pursuant to 10 USC Section 1209 and 1211;

609           2. Members or veterans of the uniformed services who are severely  
610       injured and medically discharged or retired for a period of one year  
611       after medical discharge or retirement; and

612           3. Members of the uniformed services who die on active duty or as a  
613       result of injuries sustained on active duty for a period of one year after  
614       death.

615       B. The provisions of this interstate compact shall only apply to local  
616       education agencies as defined in this compact.

617       C. The provisions of this compact shall not apply to the children of:

618           1. Inactive members of the national guard and military reserves;

619           2. Members of the uniformed services now retired, except as  
620       provided in Section A;

621           3. Veterans of the uniformed services, except as provided in Section  
622       A of this Article; and

623           4. Other U.S. Dept. of Defense personnel and other federal agency  
624       civilian and contract employees not defined as active duty members of  
625       the uniformed services.

626       ARTICLE IV

627       EDUCATIONAL RECORDS & ENROLLMENT

628       A. In the event that official education records cannot be released to  
629 the parents for the purpose of transfer, the custodian of the records in  
630 the sending state shall prepare and furnish to the parent a complete set  
631 of unofficial educational records containing uniform information as  
632 determined by the Interstate Commission. Upon receipt of the  
633 unofficial education records by a school in the receiving state, the  
634 school shall enroll and appropriately place the student based on the  
635 information provided in the unofficial records pending validation by  
636 the official records, as quickly as possible.

637       B. Simultaneous with the enrollment and conditional placement of  
638 the student, the school in the receiving state shall request the student's  
639 official education record from the school in the sending state. Upon  
640 receipt of this request, the school in the sending state will process and  
641 furnish the official education records to the school in the receiving  
642 state within ten days or within such time as is reasonably determined  
643 under the rules promulgated by the Interstate Commission.

644       C. Compacting states shall give thirty days from the date of  
645 enrollment or within such time as is reasonably determined under the  
646 rules promulgated by the Interstate Commission, for students to obtain  
647 any immunizations required by the receiving state. For a series of  
648 immunizations, initial vaccinations must be obtained within thirty  
649 days or within such time as is reasonably determined under the rules  
650 promulgated by the Interstate Commission.

651       D. Students shall be allowed to continue their enrollment at grade  
652 level in the receiving state commensurate with their grade level,  
653 including kindergarten, from a local education agency in the sending  
654 state at the time of transition, regardless of age. A student that has  
655 satisfactorily completed the prerequisite grade level in the local  
656 education agency in the sending state shall be eligible for enrollment in  
657 the next highest grade level in the receiving state, regardless of age. A  
658 student transferring after the start of the school year in the receiving  
659 state shall enter the school in the receiving state on their validated  
660 level from an accredited school in the sending state.

**661 ARTICLE V****662 PLACEMENT & ATTENDANCE**

663 A. When the student transfers before or during the school year, the  
664 receiving state school shall initially honor placement of the student in  
665 educational courses based on the student's enrollment in the sending  
666 state school and educational assessments conducted at the school in  
667 the sending state if the courses are offered. Course placement includes,  
668 but is not limited to, Honors, International Baccalaureate, Advanced  
669 Placement, vocational, technical and career pathways courses.  
670 Continuing the student's academic program from the previous school  
671 and promoting placement in academically and career challenging  
672 courses should be paramount when considering placement. This does  
673 not preclude the school in the receiving state from performing  
674 subsequent evaluations to ensure appropriate placement and  
675 continued enrollment of the student in the courses.

676 B. The receiving state school shall initially honor placement of the  
677 student in educational programs based on current educational  
678 assessments conducted at the school in the sending state or  
679 participation and placement in like programs in the sending state.  
680 Such programs include, but are not limited to: (1) Gifted and talented  
681 programs; and (2) English as a second language. This does not  
682 preclude the school in the receiving state from performing subsequent  
683 evaluations to ensure appropriate placement of the student.

684 C. (1) In compliance with the federal requirements of the  
685 Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400 et  
686 seq, the receiving state shall initially provide comparable services to a  
687 student with disabilities based on his current Individualized Education  
688 Program; and (2) In compliance with the requirements of Section 504 of  
689 the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the  
690 Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the  
691 receiving state shall make reasonable accommodations and  
692 modifications to address the needs of incoming students with

693 disabilities, subject to an existing 504 or Title II Plan, to provide the  
694 student with equal access to education. This does not preclude the  
695 school in the receiving state from performing subsequent evaluations  
696 to ensure appropriate placement of the student.

697 D. Local education agency administrative officials shall have  
698 flexibility in waiving course and program prerequisites, or other  
699 preconditions for placement in courses and programs offered under  
700 the jurisdiction of the local education agency.

701 E. A student whose parent or legal guardian is an active duty  
702 member of the uniformed services, as defined by the compact, and has  
703 been called to duty for, is on leave from, or immediately returned from  
704 deployment to a combat zone or combat support posting, shall be  
705 granted additional excused absences at the discretion of the local  
706 education agency superintendent to visit with his parent or legal  
707 guardian relative to such leave or deployment of the parent or  
708 guardian.

## 709 ARTICLE VI

### 710 ELIGIBILITY

#### 711 A. Eligibility for enrollment

712 1. Special power of attorney, relative to the guardianship of a child  
713 of a military family and executed under applicable law shall be  
714 sufficient for the purposes of enrollment and all other actions requiring  
715 parental participation and consent.

716 2. A local education agency shall be prohibited from charging local  
717 tuition to a transitioning military child placed in the care of a  
718 noncustodial parent or other person standing in loco parentis who  
719 lives in a jurisdiction other than that of the custodial parent.

720 3. A transitioning military child, placed in the care of a noncustodial  
721 parent or other person standing in loco parentis who lives in a

722 jurisdiction other than that of the custodial parent, may continue to  
723 attend the school in which he was enrolled while residing with the  
724 custodial parent.

725 B. State and local education agencies shall facilitate the opportunity  
726 for transitioning military children's inclusion in extracurricular  
727 activities, regardless of application deadlines, to the extent they are  
728 otherwise qualified.

729 ARTICLE VII

730 GRADUATION

731 In order to facilitate the on-time graduation of children of military  
732 families states and local education agencies shall incorporate the  
733 following procedures:

734 A. Local education agency administrative officials shall waive  
735 specific courses required for graduation if similar course work has  
736 been satisfactorily completed in another local education agency or  
737 shall provide reasonable justification for denial. Should a waiver not  
738 be granted to a student who would qualify to graduate from the  
739 sending school, the local education agency shall provide an alternative  
740 means of acquiring required coursework so that graduation may occur  
741 on time.

742 B. States shall accept: (1) Exit or end-of-course exams required for  
743 graduation from the sending state; or (2) national norm-referenced  
744 achievement tests; or (3) alternative testing, in lieu of testing  
745 requirements for graduation in the receiving state. In the event the  
746 above alternatives cannot be accommodated by the receiving state for a  
747 student transferring in his senior year, then the provisions of Article  
748 VII, Section C shall apply.

749 C. Should a military student transferring at the beginning or during  
750 his or her senior year be ineligible to graduate from the receiving local  
751 education agency after all alternatives have been considered, the



752 sending and receiving local education agencies shall ensure the receipt  
753 of a diploma from the sending local education agency, if the student  
754 meets the graduation requirements of the sending local education  
755 agency. In the event that one of the states in question is not a member  
756 of this compact, the member state shall use best efforts to facilitate the  
757 on-time graduation of the student in accordance with Sections A and B  
758 of this Article.

759       ARTICLE VIII

760       STATE COORDINATION

761       A. Each member state shall, through the creation of a State Council  
762 or use of an existing body or board, provide for the coordination  
763 among its agencies of government, local education agencies and  
764 military installations concerning the state's participation in, and  
765 compliance with, this compact and Interstate Commission activities.  
766 While each member state may determine the membership of its own  
767 State Council, its membership must include at least: The state  
768 superintendent of education, superintendent of a school district with a  
769 high concentration of military children, representative from a military  
770 installation, one representative each from the legislative and executive  
771 branches of government, and other offices and stakeholder groups the  
772 State Council deems appropriate. A member state that does not have a  
773 school district deemed to contain a high concentration of military  
774 children may appoint a superintendent from another school district to  
775 represent local education agencies on the State Council.

776       B. The State Council of each member state shall appoint or designate  
777 a military family education liaison to assist military families and the  
778 state in facilitating the implementation of this compact.

779       C. The compact commissioner responsible for the administration  
780 and management of the state's participation in the compact shall be  
781 appointed by the Governor or as otherwise determined by each  
782 member state.

783 D. The compact commissioner and the military family education  
784 liaison designated herein shall be ex-officio members of the State  
785 Council, unless either is already a full voting member of the State  
786 Council.

787 ARTICLE IX

788 INTERSTATE COMMISSION ON EDUCATIONAL

789 OPPORTUNITY FOR MILITARY CHILDREN

790 The member states hereby create the "Interstate Commission on  
791 Educational Opportunity for Military Children". The activities of the  
792 Interstate Commission are the formation of public policy and are a  
793 discretionary state function. The Interstate Commission shall:

794 A. Be a body corporate and joint agency of the member states and  
795 shall have all the responsibilities, powers and duties set forth herein,  
796 and such additional powers as may be conferred upon it by a  
797 subsequent concurrent action of the respective legislatures of the  
798 member states in accordance with the terms of this compact.

799 B. Consist of one Interstate Commission voting representative from  
800 each member state who shall be that state's compact commissioner.

801 1. Each member state represented at a meeting of the Interstate  
802 Commission is entitled to one vote.

803 2. A majority of the total member states shall constitute a quorum  
804 for the transaction of business, unless a larger quorum is required by  
805 the bylaws of the Interstate Commission.

806 3. A representative shall not delegate a vote to another member  
807 state. In the event the compact commissioner is unable to attend a  
808 meeting of the Interstate Commission, the Governor or State Council  
809 may delegate voting authority to another person from their state for a  
810 specified meeting.

811 4. The bylaws may provide for meetings of the Interstate  
812 Commission to be conducted by telecommunication or electronic  
813 communication.

814 C. Consist of ex-officio, nonvoting representatives who are members  
815 of interested organizations. Such ex-officio members, as defined in the  
816 bylaws, may include, but not be limited to, members of the  
817 representative organizations of military family advocates, local  
818 education agency officials, parent and teacher groups, the U.S.  
819 Department of Defense, the Education Commission of the States, the  
820 Interstate Agreement on the Qualification of Educational Personnel  
821 and other interstate compacts affecting the education of children of  
822 military members.

823 D. Meet at least once each calendar year. The chairperson may call  
824 additional meetings and, upon the request of a simple majority of the  
825 member states, shall call additional meetings.

826 E. Establish an executive committee, whose members shall include  
827 the officers of the Interstate Commission and such other members of  
828 the Interstate Commission as determined by the bylaws. Members of  
829 the executive committee shall serve a one-year term. Members of the  
830 executive committee shall be entitled to one vote each. The executive  
831 committee shall have the power to act on behalf of the Interstate  
832 Commission, with the exception of rulemaking, during periods when  
833 the Interstate Commission is not in session. The executive committee  
834 shall oversee the day-to-day activities of the administration of the  
835 compact including enforcement and compliance with the provisions of  
836 the compact, its bylaws and rules, and other such duties as deemed  
837 necessary. The U.S. Dept. of Defense, shall serve as an ex-officio,  
838 nonvoting member of the executive committee.

839 F. Establish bylaws and rules that provide for conditions and  
840 procedures under which the Interstate Commission shall make its  
841 information and official records available to the public for inspection  
842 or copying. The Interstate Commission may exempt from disclosure

843 information or official records to the extent they would adversely  
844 affect personal privacy rights or proprietary interests.

845 G. Give public notice of all meetings and all meetings shall be open  
846 to the public, except as set forth in the rules or as otherwise provided  
847 in the compact. The Interstate Commission and its committees may  
848 close a meeting, or portion thereof, where it determines by two-thirds  
849 vote that an open meeting would be likely to:

850 1. Relate solely to the Interstate Commission's internal personnel  
851 practices and procedures;

852 2. Disclose matters specifically exempted from disclosure by federal  
853 and state statute;

854 3. Disclose trade secrets or commercial or financial information  
855 which is privileged or confidential;

856 4. Involve accusing a person of a crime, or formally censuring a  
857 person;

858 5. Disclose information of a personal nature where disclosure would  
859 constitute a clearly unwarranted invasion of personal privacy;

860 6. Disclose investigative records compiled for law enforcement  
861 purposes; or

862 7. Specifically relate to the Interstate Commission's participation in a  
863 civil action or other legal proceeding.

864 H. Cause its legal counsel or designee to certify that a meeting may  
865 be closed and shall reference each relevant exemptible provision for  
866 any meeting, or portion of a meeting, which is closed pursuant to this  
867 provision. The Interstate Commission shall keep minutes which shall  
868 fully and clearly describe all matters discussed in a meeting and shall  
869 provide a full and accurate summary of actions taken, and the reasons  
870 therefore, including a description of the views expressed and the

871 record of a roll call vote. All documents considered in connection with  
872 an action shall be identified in such minutes. All minutes and  
873 documents of a closed meeting shall remain under seal, subject to  
874 release by a majority vote of the Interstate Commission.

875 I. Collect standardized data concerning the educational transition of  
876 the children of military families under this compact as directed  
877 through its rules which shall specify the data to be collected, the means  
878 of collection and data exchange and reporting requirements. Such  
879 methods of data collection, exchange and reporting shall, in so far as is  
880 reasonably possible, conform to current technology and coordinate its  
881 information functions with the appropriate custodian of records as  
882 identified in the bylaws and rules.

883 J. Create a process that permits military officials, education officials  
884 and parents to inform the Interstate Commission if and when there are  
885 alleged violations of the compact or its rules or when issues subject to  
886 the jurisdiction of the compact or its rules are not addressed by the  
887 state or local education agency. This section shall not be construed to  
888 create a private right of action against the Interstate Commission or  
889 any member state.

890 ARTICLE X

891 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

892 The Interstate Commission shall have the following powers:

893 A. To provide for dispute resolution among member states.

894 B. To promulgate rules and take all necessary actions to effect the  
895 goals, purposes and obligations as enumerated in this compact. The  
896 rules shall have the force and effect of statutory law and shall be  
897 binding in the compact states to the extent and in the manner provided  
898 in this compact.

899 C. To issue, upon request of a member state, advisory opinions

900 concerning the meaning or interpretation of the interstate compact, its  
901 bylaws, rules and actions.

902 D. To enforce compliance with the compact provisions, the rules  
903 promulgated by the Interstate Commission, and the bylaws, using all  
904 necessary and proper means, including but not limited to the use of  
905 judicial process.

906 E. To establish and maintain offices which shall be located within  
907 one or more of the member states.

908 F. To purchase and maintain insurance and bonds.

909 G. To borrow, accept, hire or contract for services of personnel.

910 H. To establish and appoint committees including, but not limited  
911 to, an executive committee as required by Article IX, Section E, which  
912 shall have the power to act on behalf of the Interstate Commission in  
913 carrying out its powers and duties hereunder.

914 I. To elect or appoint such officers, attorneys, employees, agents, or  
915 consultants, and to fix their compensation, define their duties and  
916 determine their qualifications; and to establish the Interstate  
917 Commission's personnel policies and programs relating to conflicts of  
918 interest, rates of compensation, and qualifications of personnel.

919 J. To accept any and all donations and grants of money, equipment,  
920 supplies, materials, and services, and to receive, utilize, and dispose of  
921 it.

922 K. To lease, purchase, accept contributions or donations of, or  
923 otherwise to own, hold, improve or use any property, real, personal or  
924 mixed.

925 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or  
926 otherwise dispose of any property, real, personal or mixed.

927 M. To establish a budget and make expenditures.

928 N. To adopt a seal and bylaws governing the management and  
929 operation of the Interstate Commission.

930 O. To report annually to the legislatures, governors, judiciary, and  
931 state councils of the member states concerning the activities of the  
932 Interstate Commission during the preceding year. Such reports shall  
933 also include any recommendations that may have been adopted by the  
934 Interstate Commission.

935 P. To coordinate education, training and public awareness  
936 regarding the compact, its implementation and operation for officials  
937 and parents involved in such activity.

938 Q. To establish uniform standards for the reporting, collecting and  
939 exchanging of data.

940 R. To maintain corporate books and records in accordance with the  
941 bylaws.

942 S. To perform such functions as may be necessary or appropriate to  
943 achieve the purposes of this compact.

944 T. To provide for the uniform collection and sharing of information  
945 between and among member states, schools and military families  
946 under this compact.

947 ARTICLE XI

948 ORGANIZATION AND OPERATION OF THE INTERSTATE  
949 COMMISSION

950 A. The Interstate Commission shall, by a majority of the members  
951 present and voting, within twelve months after the first Interstate  
952 Commission meeting, adopt bylaws to govern its conduct as may be  
953 necessary or appropriate to carry out the purposes of the compact,  
954 including, but not limited to:

955 1. Establishing the fiscal year of the Interstate Commission;

956       2. Establishing an executive committee, and such other committees  
957 as may be necessary;

958       3. Providing for the establishment of committees and for governing  
959 any general or specific delegation of authority or function of the  
960 Interstate Commission;

961       4. Providing reasonable procedures for calling and conducting  
962 meetings of the Interstate Commission, and ensuring reasonable notice  
963 of each such meeting;

964       5. Establishing the titles and responsibilities of the officers and staff  
965 of the Interstate Commission;

966       6. Providing a mechanism for concluding the operations of the  
967 Interstate Commission and the return of surplus funds that may exist  
968 upon the termination of the compact after the payment and reserving  
969 of all of its debts and obligations.

970       7. Providing start-up rules for initial administration of the compact.

971       B. The Interstate Commission shall, by a majority of the members,  
972 elect annually from among its members a chairperson, a vice-  
973 chairperson, and a treasurer, each of whom shall have such authority  
974 and duties as may be specified in the bylaws. The chairperson or, in  
975 the chairperson's absence or disability, the vice-chairperson, shall  
976 preside at all meetings of the Interstate Commission. The officers so  
977 elected shall serve without compensation or remuneration from the  
978 Interstate Commission provided that, subject to the availability of  
979 budgeted funds, the officers shall be reimbursed for ordinary and  
980 necessary costs and expenses incurred by them in the performance of  
981 their responsibilities as officers of the Interstate Commission.

982       C. Executive Committee, Officers and Personnel

983       1. The executive committee shall have such authority and duties as  
984 may be set forth in the bylaws, including, but not limited to:



985       a. Managing the affairs of the Interstate Commission in a manner  
986 consistent with the bylaws and purposes of the Interstate Commission;

987       b. Overseeing an organizational structure within, and appropriate  
988 procedures for the Interstate Commission to provide for the creation of  
989 rules, operating procedures, and administrative and technical support  
990 functions; and

991       c. Planning, implementing, and coordinating communications and  
992 activities with other state, federal and local government organizations  
993 in order to advance the goals of the Interstate Commission.

994       2. The executive committee may, subject to the approval of the  
995 Interstate Commission, appoint or retain an executive director for such  
996 period, upon such terms and conditions and for such compensation, as  
997 the Interstate Commission may deem appropriate. The executive  
998 director shall serve as secretary to the Interstate Commission, but shall  
999 not be a member of the Interstate Commission. The executive director  
1000 shall hire and supervise such other persons as may be authorized by  
1001 the Interstate Commission.

1002       D. The Interstate Commission's executive director and its employees  
1003 shall be immune from suit and liability, either personally or in their  
1004 official capacity, for a claim for damage to or loss of property or  
1005 personal injury or other civil liability caused or arising out of or  
1006 relating to an actual or alleged act, error, or omission that occurred, or  
1007 that such person had a reasonable basis for believing occurred, within  
1008 the scope of Interstate Commission employment, duties, or  
1009 responsibilities provided, such person shall not be protected from suit  
1010 or liability for damage, loss, injury, or liability caused by the  
1011 intentional or willful and wanton misconduct of such person.

1012       1. The liability of the Interstate Commission's executive director and  
1013 employees or Interstate Commission representatives, acting within the  
1014 scope of such person's employment or duties for acts, errors, or  
1015 omissions occurring within such person's state may not exceed the

1016 limits of liability set forth under the Constitution and laws of that state  
1017 for state officials, employees, and agents. The Interstate Commission is  
1018 considered to be an instrumentality of the states for the purposes of  
1019 any such action. Nothing in this subsection shall be construed to  
1020 protect such person from suit or liability for damage, loss, injury, or  
1021 liability caused by the intentional or willful and wanton misconduct of  
1022 such person.

1023       2. The Interstate Commission shall defend the executive director  
1024 and its employees and, subject to the approval of the Attorney General  
1025 or other appropriate legal counsel of the member state represented by  
1026 an Interstate Commission representative, shall defend such Interstate  
1027 Commission representative in any civil action seeking to impose  
1028 liability arising out of an actual or alleged act, error or omission that  
1029 occurred within the scope of Interstate Commission employment,  
1030 duties or responsibilities, or that the defendant had a reasonable basis  
1031 for believing occurred within the scope of Interstate Commission  
1032 employment, duties, or responsibilities, provided that the actual or  
1033 alleged act, error, or omission did not result from intentional or willful  
1034 and wanton misconduct on the part of such person.

1035       3. To the extent not covered by the state involved, member state, or  
1036 the Interstate Commission, the representatives or employees of the  
1037 Interstate Commission shall be held harmless in the amount of a  
1038 settlement or judgment, including attorney's fees and costs, obtained  
1039 against such persons arising out of an actual or alleged act, error, or  
1040 omission that occurred within the scope of Interstate Commission  
1041 employment, duties, or responsibilities, or that such persons had a  
1042 reasonable basis for believing occurred within the scope of Interstate  
1043 Commission employment, duties, or responsibilities, provided that the  
1044 actual or alleged act, error, or omission did not result from intentional  
1045 or willful and wanton misconduct on the part of such persons.

## 1046       ARTICLE XII

## 1047       RULEMAKING     FUNCTIONS     OF     THE     INTERSTATE

1048 COMMISSION

1049       A. The Interstate Commission shall promulgate reasonable rules in  
1050 order to effectively and efficiently achieve the purposes of this  
1051 Compact. Notwithstanding the foregoing, in the event the Interstate  
1052 Commission exercises its rulemaking authority in a manner that is  
1053 beyond the scope of the purposes of this compact, or the powers  
1054 granted hereunder, then such an action by the Interstate Commission  
1055 shall be invalid and have no force or effect.

1056       B. Rules shall be made pursuant to a rulemaking process that  
1057 substantially conforms to the "Model State Administrative Procedure  
1058 Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as  
1059 amended, as may be appropriate to the operations of the Interstate  
1060 Commission.

1061       C. Not later than thirty days after a rule is promulgated, any person  
1062 may file a petition for judicial review of the rule provided, the filing of  
1063 such a petition shall not stay or otherwise prevent the rule from  
1064 becoming effective unless the court finds that the petitioner has a  
1065 substantial likelihood of success. The court shall give deference to the  
1066 actions of the Interstate Commission consistent with applicable law  
1067 and shall not find the rule to be unlawful if the rule represents a  
1068 reasonable exercise of the Interstate Commission's authority.

1069       D. If a majority of the legislatures of the compacting states rejects a  
1070 Rule by enactment of a statute or resolution in the same manner used  
1071 to adopt the compact, then such rule shall have no further force and  
1072 effect in any compacting state.

1073 ARTICLE XIII

1074 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

1075 A. Oversight

1076       1. The executive, legislative and judicial branches of state

1077 government in each member state shall enforce this compact and shall  
1078 take all actions necessary and appropriate to effectuate the compact's  
1079 purposes and intent. The provisions of this compact and the rules  
1080 promulgated hereunder shall have standing as statutory law.

1081       2. All courts shall take judicial notice of the compact and the rules in  
1082 any judicial or administrative proceeding in a member state pertaining  
1083 to the subject matter of this compact which may affect the powers,  
1084 responsibilities or actions of the Interstate Commission.

1085       3. The Interstate Commission shall be entitled to receive all service  
1086 of process in any such proceeding, and shall have standing to  
1087 intervene in the proceeding for all purposes. Failure to provide service  
1088 of process to the Interstate Commission shall render a judgment or  
1089 order void as to the Interstate Commission, this compact or  
1090 promulgated rules.

1091       B. If the Interstate Commission determines that a member state has  
1092 defaulted in the performance of its obligations or responsibilities  
1093 under this compact, or the bylaws or promulgated rules, the Interstate  
1094 Commission shall:

1095       1. Provide written notice to the defaulting state and other member  
1096 states of the nature of the default, the means of curing the default and  
1097 any action taken by the Interstate Commission. The Interstate  
1098 Commission shall specify the conditions by which the defaulting state  
1099 must cure its default.

1100       2. Provide remedial training and specific technical assistance  
1101 regarding the default.

1102       3. If the defaulting state fails to cure the default, the defaulting state  
1103 shall be terminated from the compact upon an affirmative vote of a  
1104 majority of the member states and all rights, privileges and benefits  
1105 conferred by this compact shall be terminated from the effective date  
1106 of termination. A cure of the default does not relieve the offending  
1107 state of obligations or liabilities incurred during the period of the

1108 default.

1109       4. Suspension or termination of membership in the compact shall be  
1110 imposed only after all other means of securing compliance have been  
1111 exhausted. Notice of intent to suspend or terminate shall be given by  
1112 the Interstate Commission to the Governor, the majority and minority  
1113 leaders of the defaulting state's legislature, and each of the member  
1114 states.

1115       5. The state which has been suspended or terminated is responsible  
1116 for all assessments, obligations and liabilities incurred through the  
1117 effective date of suspension or termination including obligations, the  
1118 performance of which extends beyond the effective date of suspension  
1119 or termination.

1120       6. The Interstate Commission shall not bear any costs relating to any  
1121 state that has been found to be in default or which has been suspended  
1122 or terminated from the compact, unless otherwise mutually agreed  
1123 upon in writing between the Interstate Commission and the defaulting  
1124 state.

1125       7. The defaulting state may appeal the action of the Interstate  
1126 Commission by petitioning the U.S. District Court for the District of  
1127 Columbia or the federal district where the Interstate Commission has  
1128 its principal offices. The prevailing party shall be awarded all costs of  
1129 such litigation including reasonable attorney's fees.

1130       C. Dispute Resolution

1131       1. The Interstate Commission shall attempt, upon the request of a  
1132 member state, to resolve disputes which are subject to the compact and  
1133 which may arise among member states and between member and  
1134 nonmember states.

1135       2. The Interstate Commission shall promulgate a rule providing for  
1136 both mediation and binding dispute resolution for disputes as  
1137 appropriate.

1138 D. Enforcement

1139 1. The Interstate Commission, in the reasonable exercise of its  
1140 discretion, shall enforce the provisions and rules of this compact.

1141 2. The Interstate Commission may, by majority vote of the members,  
1142 initiate legal action in the United States District Court for the District of  
1143 Columbia or, at the discretion of the Interstate Commission, in the  
1144 federal district where the Interstate Commission has its principal  
1145 offices, to enforce compliance with the provisions of the compact, its  
1146 promulgated rules and bylaws, against a member state in default. The  
1147 relief sought may include both injunctive relief and damages. In the  
1148 event judicial enforcement is necessary the prevailing party shall be  
1149 awarded all costs of such litigation including reasonable attorney's  
1150 fees.

1151 3. The remedies herein shall not be the exclusive remedies of the  
1152 Interstate Commission. The Interstate Commission may avail itself of  
1153 any other remedies available under state law or the regulation of a  
1154 profession.

1155 ARTICLE XIV

1156 FINANCING OF THE INTERSTATE COMMISSION

1157 A. The Interstate Commission shall pay, or provide for the payment  
1158 of, the reasonable expenses of its establishment, organization and  
1159 ongoing activities.

1160 B. The Interstate Commission may levy on and collect an annual  
1161 assessment from each member state to cover the cost of the operations  
1162 and activities of the Interstate Commission and its staff which must be  
1163 in a total amount sufficient to cover the Interstate Commission's  
1164 annual budget as approved each year. The aggregate annual  
1165 assessment amount shall be allocated based upon a formula to be  
1166 determined by the Interstate Commission, which shall promulgate a  
1167 rule binding upon all member states.

1168 C. The Interstate Commission shall not incur obligations of any kind  
1169 prior to securing the funds adequate to meet the same; nor shall the  
1170 Interstate Commission pledge the credit of any of the member states,  
1171 except by and with the authority of the member state.

1172 D. The Interstate Commission shall keep accurate accounts of all  
1173 receipts and disbursements. The receipts and disbursements of the  
1174 Interstate Commission shall be subject to the audit and accounting  
1175 procedures established under its bylaws. However, all receipts and  
1176 disbursements of funds handled by the Interstate Commission shall be  
1177 audited yearly by a certified or licensed public accountant and the  
1178 report of the audit shall be included in and become part of the annual  
1179 report of the Interstate Commission.

1180 ARTICLE XV

1181 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

1182 A. Any state is eligible to become a member state.

1183 B. The compact shall become effective and binding upon legislative  
1184 enactment of the compact into law by no less than ten of the states. The  
1185 effective date shall be no earlier than December 1, 2007. Thereafter it  
1186 shall become effective and binding as to any other member state upon  
1187 enactment of the compact into law by that state. The governors of  
1188 nonmember states or their designees shall be invited to participate in  
1189 the activities of the Interstate Commission on a nonvoting basis prior  
1190 to adoption of the compact by all states.

1191 C. The Interstate Commission may propose amendments to the  
1192 compact for enactment by the member states. No amendment shall  
1193 become effective and binding upon the Interstate Commission and the  
1194 member states unless and until it is enacted into law by unanimous  
1195 consent of the member states.

1196 ARTICLE XVI

1197       WITHDRAWAL AND DISSOLUTION

1198       A. Withdrawal

1199       1. Once effective, the compact shall continue in force and remain  
1200 binding upon each and every member state provided a member state  
1201 may withdraw from the compact by specifically repealing the statute,  
1202 which enacted the compact into law.

1203       2. Withdrawal from this compact shall be by the enactment of a  
1204 statute repealing the same, but shall not take effect until one year after  
1205 the effective date of such statute and until written notice of the  
1206 withdrawal has been given by the withdrawing state to the Governor  
1207 of each other member jurisdiction.

1208       3. The withdrawing state shall immediately notify the chairperson  
1209 of the Interstate Commission in writing upon the introduction of  
1210 legislation repealing this compact in the withdrawing state. The  
1211 Interstate Commission shall notify the other member states of the  
1212 withdrawing state's intent to withdraw within sixty days of its receipt  
1213 thereof.

1214       4. The withdrawing state is responsible for all assessments,  
1215 obligations and liabilities incurred through the effective date of  
1216 withdrawal, including obligations, the performance of which extend  
1217 beyond the effective date of withdrawal.

1218       5. Reinstatement following withdrawal of a member state shall  
1219 occur upon the withdrawing state reenacting the compact or upon  
1220 such later date as determined by the Interstate Commission.

1221       B. Dissolution of Compact

1222       1. This compact shall dissolve effective upon the date of the  
1223 withdrawal or default of the member state which reduces the  
1224 membership in the compact to one member state.



1225        2. Upon the dissolution of this compact, the compact becomes null  
1226 and void and shall be of no further force or effect, and the business and  
1227 affairs of the Interstate Commission shall be concluded and surplus  
1228 funds shall be distributed in accordance with the bylaws.

1229        ARTICLE XVII

1230        SEVERABILITY AND CONSTRUCTION

1231        A. The provisions of this compact shall be severable, and if any  
1232 phrase, clause, sentence or provision is deemed unenforceable, the  
1233 remaining provisions of the compact shall be enforceable.

1234        B. The provisions of this compact shall be liberally construed to  
1235 effectuate its purposes.

1236        C. Nothing in this compact shall be construed to prohibit the  
1237 applicability of other interstate compacts to which the states are  
1238 members.

1239        ARTICLE XVIII

1240        BINDING EFFECT OF COMPACT AND OTHER LAWS

1241        A. Other Laws

1242        1. Nothing herein prevents the enforcement of any other law of a  
1243 member state that is not inconsistent with this compact.

1244        2. All member states' laws conflicting with this compact are  
1245 superseded to the extent of the conflict.

1246        B. Binding Effect of the Compact

1247        1. All lawful actions of the Interstate Commission, including all  
1248 rules and bylaws promulgated by the Interstate Commission, are  
1249 binding upon the member states.

1250        2. All agreements between the Interstate Commission and the

1251 member states are binding in accordance with their terms.

1252 3. In the event any provision of this compact exceeds the  
 1253 constitutional limits imposed on the legislature of any member state,  
 1254 such provision shall be ineffective to the extent of the conflict with the  
 1255 constitutional provision in question in that member state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	10a-77
Sec. 3	<i>July 1, 2008</i>	10a-99
Sec. 4	<i>July 1, 2008</i>	10a-105
Sec. 5	<i>from passage</i>	New section

**VA**

*Joint Favorable Subst. C/R*

HED